

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

SHYHEIM DEEN EL-MU'MIN, No. 509071,)	
a/k/a JAMES I. LENOIR, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 06-4070-CV-C-SOW
)	
DAVE DORMIRE, Superintendent, et al.,)	
)	
Defendants.)	

ORDER

On August 20, 2007, United States Magistrate Judge William A. Knox recommended granting defendants' motion for summary judgment. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record. Plaintiff has not filed exceptions to the recommendation of the Magistrate Judge. On September 11, 2007, plaintiff requested additional time. The court finds plaintiff's motion for an extension of time is without merit. Plaintiff has already been granted an additional ten days beyond that granted under 28 U.S.C. § 636(b)(1) for filing exceptions to a Report and Recommendation. Moreover, plaintiff's request for such extension of time citing lack of legal supplies is contradicted by his filing a five-page document requesting an extension of time. Clearly, plaintiff could have filed his exceptions with the legal supplies that he used to file his request for an extension of time. The court further notes that defendants' motion for summary judgment was filed more than six months ago, and this is not plaintiff's first request for an extension of time in responding to the motion.

Upon review, this court finds that the issues of summary judgment were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted. Plaintiff has failed to come forward with any evidence to support that the actions of defendants in applying Jefferson City

Correctional Center's a/k/a policy in recognition of his changed legal name violated his constitutional rights, or that defendants harassed him regarding his legal name change in violation of his rights. No reasonable jury could find that defendants have not adequately protected plaintiff's constitutional rights under the First Amendment in their recognition of plaintiff's legal name change.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that plaintiff's motion for an extension of time to file objections to the Report and Recommendation of August 20, 2007, is denied. [66] It is further

ORDERED that the Report and Recommendation of August 20, 2007, is adopted. [64] It is further

ORDERED that defendants' motion for summary judgment is granted and plaintiff's claims are dismissed. [44] It is further

ORDERED that plaintiff's motions seeking court order/injunction, to continue, for extension of time and return of property are denied as moot. [40, 45, 50, 51, 53, 57, 58]

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: September 18, 2007